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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,687	03/06/2002	Hiroyuki Okuyama	112857-319	3793
29175	7590	09/16/2004		EXAMINER
BELL, BOYD & LLOYD, LLC				PRENTY, MARK V
P. O. BOX 1135				
CHICAGO, IL 60690-1135			ART UNIT	PAPER NUMBER
			2822	

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/092,687	OKUYAMA ET AL.
	Examiner	Art Unit
	MARK V PRENTY	2822

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 June 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-10 and 21-26 is/are allowed.
- 6) Claim(s) 11 and 13 is/are rejected.
- 7) Claim(s) 12 and 14-20 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>January 22, 2004</u> .	6) <input type="checkbox"/> Other: _____.

Art Unit: 2822

This Office Action is in response to the amendment filed on June 14, 2004.

Claims 11 and 13 are rejected under 35 U.S.C. §102(b) as being anticipated by Nakamura (Japanese Kokai 9-162444, cited in the Information Disclosure Statement filed on July 24, 2003 and described in the specification at page 2, lines 20-23).

With respect to independent claim 11, Nakamura discloses a display unit (see the entire reference, including the Fig. 11 disclosure, for example), comprising: at least two kinds of semiconductor light emitting devices having different emission wavelengths, which are formed from a common crystal growth 2 layer formed on a common surface of a base body 1; wherein electrodes 40 on said base body side form a common electrode.

Claim 11 is thus rejected under 35 U.S.C. §102(b) as being anticipated by Nakamura.

With respect to independent claim 13, Nakamura discloses a display unit (see the entire reference, including the Fig. 11 disclosure, for example), comprising: a plurality of semiconductor light emitting devices arrayed on a base body 1; wherein each semiconductor light emitting device has a light permeable region that is formed in a boundary region between two of said plurality of semiconductor light emitting devices.

Claim 13 is thus rejected under 35 U.S.C. §102(b) as being anticipated by Nakamura.

Claim 12 is objected to as being dependent on a rejected base claim, but would be allowable over the prior art of record if amended to further include all the limitations of independent claim 11.

Claim 14 is objected to as being dependent on a rejected base claim, but would be allowable over the prior art of record if amended to further include all the limitations of independent claim 13.

Claim 15 is objected to as being dependent on a rejected base claim, but would be allowable over the prior art of record if amended to further include all the limitations of independent claim 13 and dependent claim 14.

Claim 16 is objected to as being dependent on a rejected base claim, but would be allowable over the prior art of record if amended to further include all the limitations of independent claim 13 and dependent claim 14.

Claim 17 is objected to as being dependent on a rejected base claim, but would be allowable over the prior art of record if amended to further include all the limitations of independent claim 13, dependent claim 14 and dependent claim 16.

Claim 18 is objected to as being dependent on a rejected base claim, but would be allowable over the prior art of record if amended to further include all the limitations of independent claim 13, dependent claim 14, dependent claim 16 and dependent claim 17.

Claim 19 is objected to as being dependent on a rejected base claim, but would be allowable over the prior art of record if amended to further include all the limitations of independent claim 13, dependent claim 14 and dependent claim 16.

Claim 20 is objected to as being dependent on a rejected base claim, but would be allowable over the prior art of record if amended to further include all the limitations of independent claim 13, dependent claim 14, dependent claim 16, dependent claim 17 and dependent claim 18.

Claims 1-10 and 21-26 are allowable over the prior art of record.

The applicant's argument with respect to the rejection of independent claim 11 under 35 U.S.C. §102(b) as being anticipated by Nakamura is not persuasive for at least two reasons. Specifically, the applicant's argument: "Japanese Kokai 9-162444 on the other hand discloses a plurality of multi-colored light emitting elements each mounted of separate surfaces of a common substrate, each surface having a different elevation," is without merit for at least two reasons.

First, the applicant's argument ignores Nakamura's Fig. 11 disclosure, which is expressly relied upon in the explanation of the rejection.

Furthermore, the applicant's argument ignores the rejection's explanation of how claim 11 reads on Nakamura's disclosure, particularly the explanation of how claim 11's common crystal growth layer and base body read on Nakamura's elements 2 and 1, respectively. Indeed, amended claim 11 reads not only on Nakamura's expressly relied-upon Fig. 11 disclosure, but on Nakamura's Fig. 1 disclosure as well.

The applicant's argument with respect to the rejection of independent claim 13 under 35 U.S.C. §102(b) as being anticipated by Nakamura is not persuasive.

First, contrary to the applicant's argument, claim 13's light permeable region does not correspond to Fig. 16's substrate 214 (element 222 is an alignment mark). Specifically, each of claim 13's light permeable regions is actually "formed between two of the number of rows of the light emitting diodes on each substrate" (see the specification at page 44, lines 12-21). Accordingly, the applicant's light permeable regions are formed between the vertical rows (i.e., columns) of light emitting diodes 211 on substrate 214, between the columns of light emitting diodes 212 on substrate 215, and between the columns of light emitting diodes 213 on substrate 216.

In any event, the groove boundary regions between Nakamura's light emitting devices (see Fig. 11, for example) are light permeable.

An English language translation of Nakamura is hereby made of record.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Registered practitioners can telephone the examiner at (571) 272-1843. Any voicemail message left for the examiner must include the name and registration number of the registered practitioner calling, and the Application/Control (Serial) Number. Technology Center 2800's general telephone number is (571) 272-2800.


Mark V. Prenty
Primary Examiner